IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CUSTOMS APPEAL NO.17 OF 2004

Commissioner of Customs (Prev.) ..Appellant.

V/s.

Aslam Noor Mohammed ..Respondent.

Mr.Suresh Kumar for appellant.

Mr.H.R.Shetty for respondent.

CORAM : V.C. DAGA AND J.P.DEVADHAR, JJ.

DATED : 24TH AUGUST, 2005.

P.C. :-

. This is an appeal seeking to raise the question of law set out in the appeal. Heard the learned counsel for the appellant and also examined the finding of fact recorded by the Tribunal, which reads as under :-

> " ....The baggage receipts produced by the appellants in respect of the subject goods under dispute were genuine one. There is communication dated 1.10.97 from the air cargo Trivandrum, to the Asstt. Commissioner of Customs, Head Quarters Intelligence Unit, New Custom House, Bombay confirming the genuineness of the said 25 baggage receipts.
>
> ....However, applying the same principle of

probability, in this case the appellant have adequately demonstrated that the baggage receipts issued by Customs Trivandrum do tally with the seized goods in quantitative terms as well as with the goods under seizure...."

2. Considering the aforesaid finding of fact, we are of the opinion that the appeal does not raise any substantial question of law. Hence appeal stands dismissed in limine with no order as to costs.

(V.C. DAGA, J.)

(J.P.DEVADHAR, J.)